

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CORY CALDWELL

Plaintiff,

-against-

9:09-CV-576 (LEK/RFT)

K. CROSSET, *Corrections Officer*, J.
DISHAW, *Corrections Officer*, KELSH,
Corrections Sergeant

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on May 24, 2010 by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 20). On June 3, 2010, Plaintiff Cory Caldwell (“Plaintiff”) filed objections to Report-Recommendation. Dkt. No. 21. Plaintiff objects to the language used; the facts relied upon; and the conclusions drawn by the Magistrate Judge. Id. Plaintiff also alleges that his response to Defendant’s Motion to dismiss was not considered by the Magistrate. Id.

This Court is to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” Id. Where, however, an objecting “party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear

error.” Farid v. Bouey, 554 F. Supp. 2d 301, 307 (N.D.N.Y. 2008) (quoting McAllan v. Von Essen, 517 F. Supp. 2d 672, 679 (S.D.N.Y. 2007) (citations and quotations omitted)).

The Court has considered Plaintiff’s Objections (Dkt. No. 21) and finds that they comprise only conclusory and general objections. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

For the above reasons, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 20) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

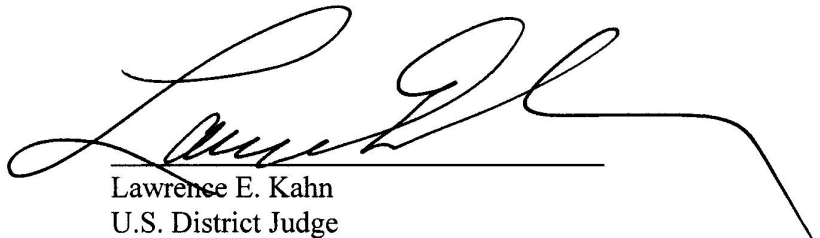
ORDERED, that Defendants’ Motion to Dismiss Plaintiff’s Complaint (Dkt. No. 17) is **GRANTED**; and it is further

ORDERED, that Plaintiff’s Complaint (Dkt. No. 1) is **DISMISSED** in its entirety, and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: June 09, 2010
Albany, New York


Lawrence E. Kahn
U.S. District Judge